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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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IM22/0625
JACOBSON, J. & STERN
1735 STREET NW
WASHINGTON, D.C. 20007

EXAMINER

GREEN, A

ART UNIT	PAPER NUMBER
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1735

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DATE MAILED: 06/25/99

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.
09/077,005

Applicant(s)
WU et al

Examiner
Anthony J. Green

Group Art Unit
1755



☒ Responsive to communication(s) filed on 21 May 1999

☒ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

☒ Claim(s) 29-59 is/are pending in the application.

Of the above, claim(s) _____ is/are withdrawn from consideration.

☐ Claim(s) _____ is/are allowed.

☒ Claim(s) 29-59 is/are rejected.

☐ Claim(s) _____ is/are objected to.

☐ Claims _____ are subject to restriction or election requirement.

Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been
☐ received.

☐ received in Application No. (Series Code/Serial Number) _____.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☐ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

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DETAILED ACTION

Response to Amendment

1. This office action is in response to the amendment submitted on 21 MAY 1999. Based on applicant's amendments and arguments, the art rejections have been withdrawn.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 29-59 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 29 it is unclear as to the amount of each component present in the composition.

In claim 31 it is unclear as to what the term "hydrates" refers to. Which component of the grouping is it referring to?

In claim 35 it is unclear as to what the phrase "the equivalent of" refers to.

The Markush grouping of claim 46 is believed to be improper as a metal fiber is an example of an inorganic fiber.

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Claim 47 is confusing as it is unclear as to what is meant by “in a cured, shaped form”. Does this mean that it is physically placed into a cured shaped form, or that it is in the form of a cured shape?

Claim 48 is confusing as it is unclear as to what is meant by “in a cured, shaped prepreg form”. Does this mean that it is physically placed into a cured shaped prepreg form, or that it is in the form of a cured prepreg shape?

The preamble of claim 51 is inconsistent with that of claim 47 as claim 47 is not directed to a process. The claim should be rewritten in independent form. The phrase “bringing said slurry on a surface that at least partially supports said slurry” is confusing. What is meant by “bringing said slurry on a surface” and what is meant by “at least partially supports”? Clarification is requested.

The preamble of claim 52 is inconsistent with that of claim 48 as claim 48 is not directed to a process. The claim should be rewritten in independent form. The phrase “bringing said prepreg on a surface that supports said prepreg” is confusing. What is meant by “bringing said prepreg on a surface”? Clarification is requested.

Claim 54 contains improper Markush terminology. Is applicant trying to say that the surface is made up of fibers or what? Clarification is requested.

Claim 55 is confusing as written.

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The preambles of claims 57-58 are inconsistent with that of claims 29 and 47 as claims 29 and 49 are not directed to a method of using. Also these claims are vague and indefinite because they merely recite a use without any active, positive steps delimiting how this use is actually practiced. See MPEP 2173.05(q).

Claim Objections

4. Claim 43 is objected to because of the following informalities:

In claim 43 the term "stearete" should be -- stearate --. Appropriate correction is required.

Conclusion

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,


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however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anthony Green whose telephone number is (703) 308-3819. The examiner can normally be reached on Monday - Thursday and alternate Fridays from 6:30 AM to 4:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mark Bell, can be reached on (703) 308-3823. The fax phone number for this Group is (703) 305-3599.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-0661.


ANTHONY GREEN
PRIMARY EXAMINER
ART UNIT 1755

ajg
June 22, 1999